

# **FISCAL NOTE**

## **SB 91- HB 1107**

April 2, 2007

**SUMMARY OF BILL:** Broadens the aggravating circumstances which make a person eligible for the death penalty or life without parole to include murder committed by a person who is in the United States illegally.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$72,500 / Incarceration\***

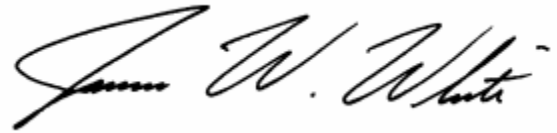
##### Assumptions:

- In FY06, there were 96 admissions to the Department of Correction (DOC) for first degree murder offenses. Currently illegal aliens comprise approximately 0.8355% of the inmate population. DOC estimates this percentage would apply to those admitted for first degree murder. One illegal alien would be admitted every year ( $96 \times 0.008355$ ).
- Estimate assumes that one illegal alien sentenced for a Class A felony offense of first degree murder every three years would receive a life without parole sentence and would serve an additional 10 years as a result of this bill.
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- One Class A felony every three years with 10.0 years time served (3,652.50 days). The annualized time served per conviction is 1,205.33 days ( $0.33$  annual number of convictions  $\times$  3,652.50 days served). The annualized cost per conviction is \$72,512.65 ( $\$60.16 \times 1,205.33$  days).
- Enhanced sentencing of undocumented aliens is upheld as constitutional.
- There is not a sufficient likelihood of a person receiving a death sentence as a result of immigration status for the cost of such sentence to be measurable.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J" and a distinct "W".

James W. White, Executive Director